

REMARKS

On March 6, 2007, Applicants filed a Response to the Office Action mailed December 27, 2006. This Office Action included a Restriction Requirement. The Applicants made an election between the groups of claims set forth in the Restriction Requirement. In the Office Action mailed on April 24, 2007, the Examiner states that Applicants need to include an election of individual species within the elected groups as required under 37 CFR 1.143. Applicants respectfully request reconsideration of the above-referenced application in view of the following.

Election of Species

The Examiner has indicated that the claims are directed to patentably distinct species and has requested an election of species. Applicants provide herewith an election of the following species with traverse.

1. non-glucocorticoid steroid—dehydroepiandrosterone-sulfate (DHEA-S)
2. β 2-agonist bronchodilator—fomoterol
3. ubiquinone—formula (II) claim 6, n=10

Claims readable on the elected species include 1, 2, and 4 -14. Pursuant to 37 C.F.R. §1.141, Applicants reserve the right to pursue claims to the non-elected species in this application in the event that a generic claim is found to be allowable.

It is Applicants position that the individual compounds within each category are part of the generic invention and should be kept together in one patent application and one patent. Furthermore, it is not seen that the non-elected species would require a burdensome search.


CONCLUSION

Should the Examiner have any questions, the Examiner is encouraged to contact the undersigned attorney at (650) 565-3585. The Commissioner is authorized to charge any additional fees which may be required, including petition fees and extension of time fees, to Deposit Account No. 23-2415 (Docket No. 30775-713.201).

Respectfully submitted,

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Dated: May 4, 2007

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